

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING

DOCKET NO. VGOB 03/09/16-1195

ELECTIONS, UNIT: VC-503599

(hereinafter "Subject Drilling Unit")

REPORT OF BOARD

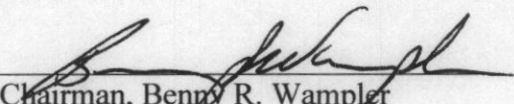
FINDINGS AND ORDER

1. This Supplemental Order is entered by the Board sua sponte in the form authorized by the Board at its hearing held at 9:00 a.m. on October 20, 1992, Board of Supervisors Room, Courthouse, Grundy, Virginia, and pursuant to authority granted to the Board's Chairman at the hearing of the Virginia Gas and Oil Board on June 16, 1992, at 9:00 a.m. at the Rhododendron Restaurant at the Breaks Interstate Park, Breaks, Virginia; and this Supplemental Order is being recorded for the purpose of (1) complying with the requirement of the Virginia Gas and Oil Board Regulations, 4 VAC 25-160.70C by supplementing the Order previously issued by the Board for subject Docket on **June 15, 2004** and recorded in Deed Book 597, Page 175 in the Office of the Clerk of Circuit Court, Buchanan County, Virginia on July 12, 2004 (herein "Board Order") to complete the record regarding elections. The Board Order pooled all interest in Subject Drilling Unit including those of the Respondents more particularly set forth and identified by the Designated Operator in the affidavits attached hereto and made a part hereof. The Board finds it has jurisdiction over the subject matter pursuant to the provisions of the Virginia Gas and Oil Act, § 45.1-361.1 et seq., Virginia Code, 1950 as amended.
2. Findings: The Board finds that:
 - (a) The Board Order directed Equitable Production Company, (herein the Designated Operator"), to mail copies of the Board Order to all respondents whose interest, if any, were pooled by said Board Order;
 - (b) The designated operator filed its affidavit of mailing dated **July 23, 2004**, disclosing that it had mailed a correct copy of the Board's Order to all Respondents whose interest, if any, were pooled by said Board Order;
 - (c) The Board Order required each Respondent whose interest, if any, were pooled by the terms of said Board Order to make his or her election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the Designated Operator has filed its affidavit dated **September 1, 2004**, in accordance with § 7.C of the Virginia Gas and Oil Board Regulations and 4

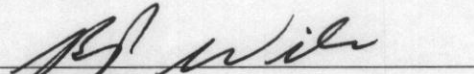
VAC 25-160.70C (herein "Affidavit of Election"), wherein it has, for each Respondent whose interest, if any, were pooled by said Board Order, stated: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of the election made, if any; (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interest, estates and claims in Subject Drilling Unit to the Designated Operator;

- (d) The Board Order further required the Designated Operator, after expiration of the election period, to file with the Board a statement of the interests subject to escrow under the terms and provisions of the Board Order, in light of the elections made or deemed to have been made (herein "Statement of Interests"); that the Designated Operator furnished said Statement of Interests as part of its Affidavit of Election. A copy of which is attached hereto as Exhibit B;
 - (e) Current Board standards requiring the escrow of funds and the Board's agreement with its Escrow Agent, Wachovia Bank, Corporate Trust, PA 1328, 123 South Broad Street, Philadelphia, PA 19109-1199, (888) 396-0853, Attn: Rachel Rafferty, or any successor named by the Board, require the entry of a Supplemental Order establishing of record the elections made or deemed to have been made and specifying the sums or percentage thereof subject to escrow. Current Board escrow standards were made applicable to Subject Drilling Unit by a Board Order dated December 23, 1992.
3. Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2 above and the annexed Affidavits, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, Corporate Trust, PA 1328, 123 South Broad Street, Philadelphia, PA 19109-1199, (888) 396-0853, Attn: Rachel Rafferty, or any successor named by the Board to establish interest-bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in said affidavits to receive such funds and account to the Board therefore.
 4. Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or its Attorney shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each person whose interest or claim is subject to escrow and whose address is known.
 5. Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.
 6. Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 21st day of September, 2004 by a majority of the Virginia Gas and Oil Board.

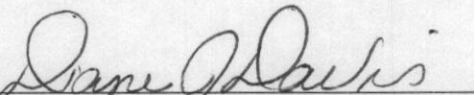

Chairman, Benny R. Wampler

DONE AND PERFORMED THIS 22nd day of September, 2004 by Order of this Board.


B. R. Wilson
Principal Executive to the Staff
Virginia Gas and Oil Board

STATE OF VIRGINIA)
COUNTY OF Washington

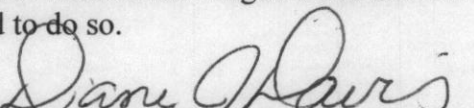
Acknowledged on this 21st day of September, 2004, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Notary Public

My commission expires: 9/30/05.

STATE OF VIRGINIA)
COUNTY OF Washington

Acknowledged on this 22nd day of September, 2004, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Principal Executive to the Staff Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Diane J. Davis
Notary Public

My commission expires: 9/30/05.

Order Recorded Under Code of
Virginia Section 45.1-361.26

VIRGINIA:**BEFORE THE VIRGINIA GAS AND OIL BOARD**

IN RE: Application of Equitable Production Company, for Forced Pooling of Interests in Unit Number VC-503599 VGOB Docket No. VGOB-03/09/16-1195 in the Hurricane Magisterial District of Buchanan County, Virginia.

AFFIDAVIT OF WILHOIT & KAISER, Attorneys-at-Law, Agents for the Designated Operator REGARDING ELECTIONS, ESCROW ACCOUNTS AND SUPPLEMENTAL ORDER

James E. Kaiser (herein Affiant), being first duly sworn on oath, deposes and says:

1. That the Affiant is an attorney in the law firm of WILHOIT & KAISER, the Agent for the Designated Operator, with offices located at 220 Broad Street, Kingsport, Tennessee 37660, and is authorized to give this Affidavit in its behalf;
2. That the Order entered on **June 15, 2004**, by the Virginia Gas and Oil Board regarding the captioned coalbed methane Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by said Order;
3. That within seven (7) days of the receipt of an executed copy of the Order referred to at Paragraph 2. above, the Affiant was directed to cause a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who are added as Respondents at the hearing held in the captioned matter;
4. That the Order of the Virginia Gas and Oil Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date said Order was recorded in the county above named; that said Order was recorded on **July 12, 2004**.
5. That the Designated Operator, by and through their agent, Wilhoit & Kaiser, Attorneys-at-Law, have established procedures to review all mail received and all written documents received by means other than by mail to ascertain whether parties whose interest have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to Subject Unit; that the following persons delivered, by mail or otherwise, written elections to the Unit Operator, within the thirty day election periods:

None

6. That the interest and/or claims of the following persons (who made timely elections, or who are deemed under the terms of the Board's Order to have leased, or who, subsequent to the pooling hearing held in the captioned matter, have leased or otherwise entered into an agreement with the Designated Operator) are subject to escrow as either unknown claimants or conflicting claimants under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia; that opposite the name of each person named as a Respondent listed below is set forth:

4 Gas Estate	Fairview Limited Partnership* c/o John C. Irvine 4710 Hunterwood Circle Richmond, TX 77469	0.00239063	RI
	Dent K. Burke Associates* Trustee for W. Kent Pobst Trust, Richard Pobst and Kathy Pobst P O Box 129 Bristol, VA 24203	0.00159375	RI
	Meredith E. Iqbal* 542 Butler Mill Road Maryville, TN 37803	0.00159375	RI
	Carol Combs Irvin* and John C. Irvin, W/H 4710 Hunterwood Circle Richmond, TX 77469	0.00079687	RI
	Martha E. Combs* P O Box 1404 Abingdon, VA 24212	0.00079687	RI
	Frederick H. Combs, II* and Elene M. Combs, H/W 318 East Fincastle Tazewell, VA 24651	0.00079687	RI
	John W Pobst, Jr.* and Lynda L. Pobst, H/W P O Box 86 Revere, PA 18953	0.00079688	RI
	Virginia Lee Linwick* and Phillip G. Linwick 4324 South Bell Drive Varadale, WA 99037	0.00079688	RI
	*Oil & Gas Lessee Consol Energy, Inc P O Box 947 Bluefield, VA 24605	0.00956250	

OR

4
Coal Estate Levisa Coal Company* 0.00956250 RI
c/o John C. Irvin
4710 Hunterwood Circle
Richmond, TX 77469

*Coal Lessee
Consol Energy, Inc
P O Box 947
Bluefield, VA 24605

7. That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator with regard to their interest and/or claims.

None

8. That the following persons have not made a timely election and have failed to enter into an agreement with the Designated Operator and their respective interests shall be deemed to have leased pursuant to and in accordance with paragraph 10 of the Order.

<u>Tract</u>	<u>Payee</u>	<u>Cash Consideration</u>
4	Fairview Limited Partnership* c/o John C. Irvine 4710 Hunterwood Circle Richmond, TX 77469	1.1250 x 5.00 = \$ 5.63
	Dent K. Burke Associates* Trustee for W. Kent Pobst Trust, Richard Pobst and Kathy Pobst P O Box 129 Bristol, VA 24203	0.7500 x 5.00 = \$ 3.75
	Meredith E. Iqbal* 542 Butler Mill Road Maryville, TN 37803	0.7500 x 5.00 = \$ 3.75
	Carol Combs Irvin* and John C. Irvin, W/H 4710 Hunterwood Circle Richmond, TX 77469	0.3750 x 5.00 = \$ 1.87
	Martha E. Combs* P O Box 1404 Abingdon, VA 24212	0.3750 x 5.00 = \$ 1.87
	Frederick H. Combs, II* and Elene M. Combs, H/W 318 East Fincastle Tazewell, VA 24651	0.3750 x 5.00 = \$ 1.87

John W Pobst, Jr.*
and Lynda L. Pobst, H/W
P O Box 86
Revere, PA 18953

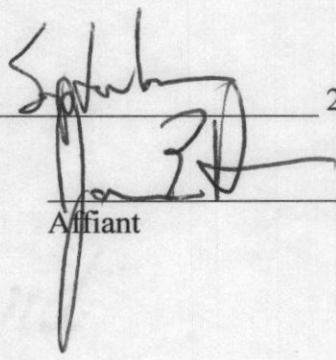
0.3750 x 5.00 = \$ 1.87

Virginia Lee Linwick*
and Phillip G. Linwick
4324 South Bell Drive
Varadale, WA 99037

0.3750 x 5.00 = \$ 1.87

That pursuant to the provision of 4VAC 25-160.70C annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding elections; that said annexed supplemental order sets forth that the services of the Escrow Agent are required in this matter pursuant to the terms of §§ 45.1-361.21.D.

Dated at Kingsport, Tennessee, this 16 day of September 2004.



Affiant

Taken, subscribed and sworn to before me by James E. Kaiser, the Agent of Equitable
Production Company, a corporation, on behalf of the corporation, this 15th day of
September 2004.

My commission expires: 1-15-06

Cynthia Williams
Notary

EXHIBIT

A

Latitude 37° 05' 00"

Longitude 82° 05' 00"

5,100'

Lease No. 241490L / T-620

J. S. Williams

50.0 Acres

CSTL LLC - coal

Alpha Land & Reserves LLC - coal lessee

WBRD LLC - coal

Dickenson-Russell Coal Co. LLC - coal lessee

Pine Mountain Oil & Gas, Inc. - oil & gas

Gas 1.17 Ac. 1.99%

Pobst & Combs, et al - oil & gas

Levisa Coal Company - coal

1432 Acres

Gas 4.50 Ac. 7.65%

Lease No. 241490L / T-577

Fielden Combs

342.27 Acres

CSTL LLC - coal

Alpha Land & Reserves LLC - coal lessee

WBRD LLC - coal

Dickenson-Russell Coal Co. LLC - coal lessee

Pine Mountain Oil & Gas, Inc. - oil & gas

Gas 15.01 Ac. 25.55%

Clinchfield Coal Company /

Pyxis Resources Company - surface

Lease No. 241490L / T-602

W. A. McFarland

125.0 Acres

CSTL LLC - coal

Alpha Land & Reserves LLC - coal lessee

WBRD LLC - coal

Dickenson-Russell Coal Co. LLC - coal lessee

Pine Mountain Oil & Gas, Inc. - oil & gas

Gas 31.18 Ac. 53.05%

Lease No. 241490L / T-576

Fielden Combs

223.0 Acres

CSTL LLC - coal

Alpha Land & Reserves LLC -

WBRD LLC - coal

coal lessee

Dickenson-Russell Coal Co. LLC -

coal lessee

Pine Mountain Oil & Gas, Inc. - oil & gas

Gas 6.04 Ac. 10.28%

Lease No. 241490L / T-614

S. J. Tiller

50.0 Acres

CSTL LLC - coal

Alpha Land & Reserves LLC - coal lessee

WBRD LLC - coal

Dickenson-Russell Coal Co. LLC - coal lessee

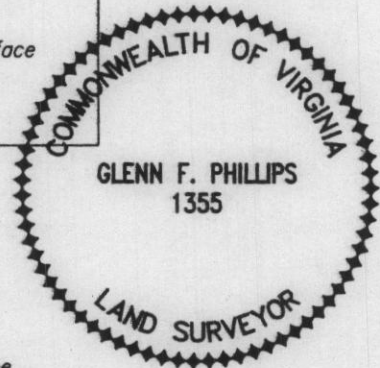
Pine Mountain Oil & Gas, Inc. - oil & gas

Roger Wesley Barton - surface

Gas 0.87 Ac. 1.48%

Well Coordinates: (Geographic N27)
37.069375° -82.099947°Well Coordinates: (VA St. Plane S. Zone,
Calculated from CCC coordinates)
N 288,002 E 949,927Well elevation determined by trigonometric
leveling from US Army BM 1B

Area of Unit = 58.77 Ac.

Well Coordinates: (Clinchfield Coal Co.)
S 11,132.07 E 82,684.44

WELL LOCATION PLAT

COMPANY Equitable Production Company WELL NAME AND NUMBER VC-503599
 TRACT NO. T-576 ELEVATION 1806.20 QUADRANGLE Big A Mountain
 COUNTY Buchanan DISTRICT Hurricane SCALE 1" = 400' DATE 8-14-2003

This Plat is a new plat x; an updated plat ; or a final location plat

+ Denotes the location of a well on United States topographic Maps, scale 1 to 24,000, latitude and longitude lines being represented by border lines as shown.

~~Licensed Professional Engineer or~~ Licensed Land Surveyor

EXHIBIT "B" BOOK 0603 PAGE 0215
VC-503599
SUPPLEMENTAL EXHIBIT B
VGOB 03/09/16-1195

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>	<u>NET REVENUE INTEREST</u>
<u>Gas Estate Only</u>					
1	Pittston Company c/o Pine Mountain Oil & Gas, Inc ATTN: Richard Brillhart P O Box 5100 Lebanon, VA 24266	Leased-EPC 241490.01 T-576	10.280000%	6.0400	0.01285000 RI
	Equitable Production Company				0.08995000 WI
Tract 1 Totals			10.280000%	6.0400	0.10280000
2	Pittston Company c/o Pine Mountain Oil & Gas, Inc ATTN: Richard Brillhart P O Box 5100 Lebanon, VA 24266	Leased-EPC 241490.01 T-577	25.550000%	15.0100	0.03193750 RI
	Equitable Production Company				0.22356250 WI
Tract 2 Totals			25.550000%	15.0100	0.25550000
3	Pittston Company c/o Pine Mountain Oil & Gas, Inc ATTN: Richard Brillhart P O Box 5100 Lebanon, VA 24266	Leased-EPC 241490.01 T-620	1.990000%	1.1700	0.00248750 RI
	Equitable Production Company				0.01741250 WI
Tract 3 Totals			1.990000%	1.1700	0.01990000
4	Fairview Limited Partnership* c/o John C. Irvine 4710 Hunterwood Circle Richmond, TX 77469	Unleased	1.91%	1.1250	0.00239063 RI
	Dent K. Burke Associates* Trustee for W. Kent Pobst Trust, Richard Pobst and Kathy Pobst P O Box 129 Bristol, VA 24203	Unleased	1.275003%	0.7500	0.00159375 RI
	Meredith E. Iqbal* 542 Butler Mill Road Maryville, TN 37803	Unleased	1.275003%	0.7500	0.00159375 RI
	Carol Combs Irvin* and John C. Irvin, W/H 4710 Hunterwood Circle Richmond, TX 77469	Unleased	0.637497%	0.3750	0.00079687 RI
	Martha E. Combs* P O Box 1404 Abingdon, VA 24212	Unleased	0.637497%	0.3750	0.00079687 RI
	Frederick H. Combs, II* and Elene M. Combs, H/W 318 East Fincastle Tazewell, VA 24651	Unleased	0.637500%	0.3750	0.00079687 RI

EXHIBIT "B"
VC-503599 BOOK 0603 PAGE 0216
SUPPLEMENTAL EXHIBIT B
VGOB 03/09/16-1195

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>	<u>NET REVENUE INTEREST</u>
	John W Pobst, Jr.* and Lynda L. Pobst, H/W P O Box 86 Revere, PA 18953	Unleased	0.637497%	0.3750	0.00079688 RI
	Virginia Lee Linwick* and Phillip G. Linwick 4324 South Bell Drive Varadale, WA 99037	Unleased	0.637497%	0.3750	0.00079688 RI
	*Oil & Gas Lessee Consol Energy, Inc P O Box 947 Bluefield, VA 24605	Unleased			
	Equitable Production Company				0.06693745 WI
Tract 4 Totals			7.649995%	4.5000	0.07649995
5	Pittston Company c/o Pine Mountain Oil & Gas, Inc ATTN: Richard Brillhart P O Box 5100 Lebanon, VA 24266	Leased-EPC 241490.01 T-602	53.050000%	31.1800	0.06631250 RI
	Equitable Production Company				0.46418750 WI
Tract 5 Totals			53.050000%	31.1800	0.53050000
6	Pittston Company c/o Pine Mountain Oil & Gas, Inc ATTN: Richard Brillhart P O Box 5100 Lebanon, VA 24266	Leased-EPC 241490.01 T-614	1.480000%	0.8700	0.00185000 RI
	Equitable Production Company				0.01295000 WI
Tract 6 Totals			1.480000%	0.8700	0.01480000
TOTAL GAS ESTATE			100.0000%	58.7700	1.00000000

EXHIBIT "B" 603 PAGE 0217
VC-503599
SUPPLEMENTAL EXHIBIT B
VGOB 03/09/16-1195

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>	<u>NET REVENUE INTEREST</u>
<u>Coal Estate Only</u>					
1	Pittston Company c/o Pine Mountain Oil & Gas, Inc. ATTN: Richard Brillhart PO Box 5100 Lebanon, VA 24266	Leased-EPC 241490.01 T-576	10.280000%	6.0400	0.01285000 RI
	Equitable Production Company				0.08995000 WI
Tract 1 Totals			10.280000%	6.0400	0.10280000
2	Pittston Company c/o Pine Mountain Oil & Gas, Inc. ATTN: Richard Brillhart PO Box 5100 Lebanon, VA 24266	Leased-EPC 241490.01 T-577	25.550000%	15.0100	0.03193750 RI
	Equitable Production Company				0.22356250 WI
Tract 2 Totals			25.550000%	15.0100	0.25550000
3	Pittston Company c/o Pine Mountain Oil & Gas, Inc. ATTN: Richard Brillhart PO Box 5100 Lebanon, VA 24266	Leased-EPC 241490.01 T-620	1.990000%	1.1700	0.00248750 RI
	Equitable Production Company				0.01741250 WI
Tract 3 Totals			1.990000%	1.1700	0.01990000
4	Levisa Coal Company* c/o John C. Irvin 4710 Hunterwood Circle Richmond, TX 77469	Unleased	7.650000%	4.5000	0.00956250 RI
	*Coal Lessee Consol Energy, Inc P O Box 947 Bluefield, VA 24605	Unleased			
	Equitable Production Company				0.06693750 WI
Tract 4 Totals			7.650000%	4.5000	0.07650000
5	Pittston Company c/o Pine Mountain Oil & Gas, Inc. ATTN: Richard Brillhart PO Box 5100 Lebanon, VA 24266	Leased-EPC 241490.01 T-602	53.050000%	31.1800	0.06631250 RI
	Equitable Production Company				0.46418750 WI
Tract 5 Totals			53.050000%	31.1800	0.53050000
6	Pittston Company c/o Pine Mountain Oil & Gas, Inc. ATTN: Richard Brillhart PO Box 5100	Leased-EPC 241490.01 T-614	1.480000%	0.8700	0.00185000 RI

EXHIBIT "B"
VC-503599 3 PAGE 0218
SUPPLEMENTAL EXHIBIT B
VGOB 03/09/16-1195

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>	<u>NET REVENUE INTEREST</u>
	Lebanon, VA 24266				
	Equitable Production Company				0.01295000 WI
<u>Tract 6 Totals</u>			1.480000%	0.8700	0.01480000
TOTAL COAL ESTATE			100.000000%	58.7700	1.00000000

VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is together with the certificate of acknowledgment annexed, admitted to record this 23rd day of September, 20 04 1:35 P. M.
Deed Book No. 6003 and Page No. 206 TESTE: James M. Bevins, Jr., Clerk
Returned to: DMME TESTE: Glueckly S. Viller Deputy Clerk